

# McElroy Deutsch

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August 23, 2021

Hon. Michael A. Shipp, U.S.D.J.  
Clarkson S. Fisher Federal Building  
and U.S. Courthouse  
402 E. State Street  
Trenton, New Jersey 08608

Re: *Azurity Pharmaceuticals, Inc. v. Bionpharma Inc.*  
Civil Action No. 21-12870 (MAS) (DEA)

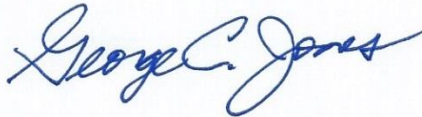
Dear Judge Shipp:

This firm, along with our co-counsel Taft, Stettinius & Hollister LLP, represents defendant, Bionpharma Inc. (“Bionpharma”), in the referenced matter. During today’s call with the Court, counsel for Bionpharma referenced an order entered by Delaware Judge Leonard P. Stark in connection with the First Wave Suits<sup>1</sup> exempting Bionpharma from producing FDA correspondence solely related to the approval status of Bionpharma’s ANDA.

Attached hereto for the Court’s consideration is Judge Stark’s Scheduling Order entered in the First Wave Suits (D. Del. 18-1962 ECF No. 29), which includes the order referenced by Bionpharma’s counsel today at page 4.

Respectfully yours,

McELROY, DEUTSCH, MULVANEY & CARPENTER, LLP



GEORGE C. JONES

Attachment (Ex. A)  
cc: All counsel (via ECF and e-mail)

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<sup>1</sup> *Silvergate Pharmaceuticals, Inc. v. Bionpharma Inc.*, Civ. No. 18-1962 (D. Del.); *Silvergate Pharmaceuticals, Inc. v. Bionpharma Inc.*, Civ. No. 19-1067 (D. Del.)